

Non-Settlor Survey Questions De Minimis Settlement Reform Evaluation

Introduction

Recently you were offered a “de minimis” settlement by EPA due to your relatively small waste contribution to the site. Your name was selected at random to participate in a survey about this experience to help EPA better understand how its settlement program is perceived by parties involved in Superfund negotiations. The purpose of the survey is to solicit feedback from you on how the settlement offer/process affected your decision not to settle. The information you provide will only be used to help improve EPA’s policies and services. The survey will take approximately 10 minutes to complete and is entirely voluntary.

While we plan to conduct the survey over the telephone, we recognize that it may be more convenient for some respondents to submit a written survey. If you would like to submit a written survey, please fill out this form and return it directly to our survey contractor in the enclosed postage-paid envelope. When the contractor receives your survey in the mail, your name will be removed from their call list and you will not be contacted with regard to a telephone survey, unless one of your written answers requires clarification.

(The following information will need to be obtained from EPA regional offices):

Site Name:

Name of Party Offered De Minimis Settlement:

Non-Settling Party’s Address:

Date Party Issued General or Special Notice:

Date of Settlement Offer:

Amount of Settlement Offer:

Settlement Offer Premium Amount:

General Questions

Questions 1 to 3 ask you for some general information about your experience with the settlement process.

1. Please rate your overall satisfaction with the de minimis settlement you received from EPA at this site.

Very satisfied____

Satisfied____
Neutral____
Dissatisfied____
Very dissatisfied____

2. Please rate your overall satisfaction with the de minimis settlement process as a whole.

Very satisfied____
Satisfied____
Neutral____
Dissatisfied____
Very dissatisfied____

3. Did EPA offer to enter into a settlement with you within a reasonable time after they first contacted you?

Yes____
No____

Other Site Costs

Questions 4 to 6 ask you for more specific information about costs you may have incurred as a result of being a de minimis PRP, even though you didn't agree to pay anything to EPA.

4. Did anyone other than EPA sue you for money to clean up the site?

No____
Yes, before EPA made a settlement offer____
Yes, after EPA made a settlement offer____
Yes, both before and after EPA made a settlement offer____

5. The settlement that EPA offered you was \$_____ (**provided by regional offices**).
Compared to this amount, were the other costs you incurred as a result of being a de minimis PRP (e.g., legal costs, lost business, or lost wages, etc.)

Higher____
Lower____
About the same____

6. When did you incur your “other” costs at this site?

All before the settlement offer____

Most before the settlement offer____

Most after the settlement offer____

All after the settlement offer____

Financial Hardship

Questions 7 to 11 ask about information you may have communicated to EPA regarding financial hardship and how EPA may have responded.

7. What was the most important factor in your decision not to settle with EPA?_____

8. If financial hardship was a factor, did you tell EPA that paying the offered settlement amount would create a financial hardship on you?

Yes____

No____(If this is your answer, skip Questions 9, 10, and 11.)

9. If you answered “yes” to Question 8, did EPA make you a revised settlement offer?

Yes____

No____

10. If you answered “yes” to Question 9, please explain why you didn’t accept the revised settlement offer._____

11. If you answered “no” to Question 9, would you have considered settling if EPA had made you a revised settlement offer?

Yes____

No____

Closing Thoughts

12. Please provide any additional thoughts you have about how EPA could make the settlement program/process more fair. _____
